

promotion, research, consumer information, education, and industry information designed to—

- (1) strengthen the position of the sheep and sheep product industry in the marketplace;
- (2) maintain and expand existing domestic and foreign markets and uses for sheep and sheep products; and
- (3) develop new markets and uses for sheep and sheep products.

(c) Construction

Nothing in this chapter provides for the control of production, or otherwise limits, the right of any person to produce sheep or sheep products.

(Pub. L. 103-407, § 2, Oct. 22, 1994, 108 Stat. 4210.)

SHORT TITLE OF 2004 AMENDMENT

Pub. L. 108-429, title IV, § 4001, Dec. 3, 2004, 118 Stat. 2600, provided that: “This title [amending provisions set out as a note under this section] may be cited as the ‘Wool Suit and Textile Trade Extension Act of 2004’.”

SHORT TITLE

Section 1 of Pub. L. 103-407 provided that: “This Act [enacting this chapter] may be cited as the ‘Sheep Promotion, Research, and Information Act of 1994’.”

WOOL RESEARCH, DEVELOPMENT, AND PROMOTION TRUST FUND

Pub. L. 106-200, title V, § 506, May 18, 2000, 114 Stat. 303, as amended by Pub. L. 107-210, div. E, title L, § 5102(c)(2), Aug. 6, 2002, 116 Stat. 1047; Pub. L. 108-429, title IV, § 4002(c)(5), Dec. 3, 2004, 118 Stat. 2603; Pub. L. 109-280, title XIV, § 1633(b)(2), Aug. 17, 2006, 120 Stat. 1166, provided that:

“(a) ESTABLISHMENT.—There is hereby established within the Treasury of the United States a trust fund to be known as the Wool Research, Development, and Promotion Trust Fund (hereafter in this section referred to as the ‘Trust Fund’), consisting of such amounts as may be transferred to the Trust Fund under subsection (b)(1) and any amounts as may be credited to the Trust Fund under subsection (c)(2).

“(b) TRANSFER OF AMOUNTS.—

“(1) IN GENERAL.—The Secretary of the Treasury shall transfer to the Trust Fund out of the general fund of the Treasury of the United States amounts determined by the Secretary of the Treasury to be equivalent to the amounts received into such general fund that are attributable to the duty received on articles under chapters 51 and 52 of the Harmonized Tariff Schedule of the United States [see Publication of Harmonized Tariff Schedule note set out under section 1202 of Title 19, Customs Duties], subject to the limitation in paragraph (2).

“(2) LIMITATION.—The Secretary shall not transfer more than \$2,250,000 to the Trust Fund in any fiscal year.

“(3) TRANSFERS BASED ON ESTIMATES.—The amounts required to be transferred under paragraph (1) shall be transferred at least quarterly from the general fund of the Treasury of the United States to the Trust Fund on the basis of estimates made by the Secretary of the Treasury of the amounts referred to in paragraph (1) that are received into the Treasury. Proper adjustments shall be made in the amounts subsequently transferred to the extent prior estimates were in excess of, or less than, the amounts required to be transferred.

“(c) INVESTMENT OF TRUST FUND.—

“(1) IN GENERAL.—It shall be the duty of the Secretary of the Treasury to invest such portion of the Trust Fund as is not, in the Secretary’s judgment, required to meet current withdrawals. Such invest-

ments may be made only in interest-bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United States. For such purpose, such obligations may be acquired on original issue at the issue price or by purchase of outstanding obligations at the market price. Any obligation acquired by the Trust Fund may be sold by the Secretary of the Treasury at the market price.

“(2) INTEREST AND PROCEEDS FROM SALE OR REDEMPTION OF OBLIGATIONS.—The interest on, and the proceeds from the sale or redemption of, any obligations held in the Trust Fund shall be credited to and form a part of the Trust Fund.

“(d) AVAILABILITY OF AMOUNTS FROM TRUST FUND.—From amounts available in the Trust Fund (including any amounts not obligated in previous fiscal years), the Secretary of Agriculture is authorized to provide grants to a nationally-recognized council established for the development of the United States wool market for the following purposes:

“(1) Assist United States wool producers to improve the quality of wool produced in the United States, including to improve wool production methods.

“(2) Disseminate information on improvements described in paragraph (1) to United States wool producers generally.

“(3) Assist United States wool producers in the development and promotion of the wool market.

“(e) REPORTS TO CONGRESS.—The Secretary of the Treasury, in consultation with the Secretary of Agriculture, shall prepare and submit to Congress an annual report on the financial condition and the results of the operations of the Trust Fund, including a description of the use of amounts of grants provided under subsection (d), during the preceding fiscal year and on its expected condition and operations during the next fiscal year.

“(f) SUNSET PROVISION.—Effective January 1, 2010, the Trust Fund shall be abolished and all amounts in the Trust Fund on such date shall be transferred to the general fund of the Treasury of the United States.”

§ 7102. Definitions

As used in this chapter (unless the context clearly requires otherwise):

(1) Board

The term “Board” means the National Sheep Promotion, Research, and Information Board established under section 7104(b) of this title.

(2) Carbonized wool

The term “carbonized wool” means wool that has been immersed in a bath, usually of mineral acids or acid salts, that destroys vegetable matter in the wool, but does not affect the wool fibres.¹

(3) Consumer information

The term “consumer information” means nutritional data and other information that will assist consumers and other persons in making evaluations and decisions regarding the purchase, preparation, or use of sheep products.

(4) Customs Service

The term “Customs Service” means United States Customs Service of the Department of the Treasury.

(5) Degreased wool

The term “degreased wool” means wool from which the bulk of impurities has been removed by processing.

¹ So in original. Probably should be “fibers.”

(6) Department

The term “Department” means the United States Department of Agriculture.

(7) Education

The term “education” means activities providing information relating to the sheep industry or sheep products to producers, feeders, importers, consumers, and other persons.

(8) Executive Committee

The term “Executive Committee” means the Executive Committee established under section 7104(g) of this title.

(9) Exporter

The term “exporter” means any person who exports domestic live sheep or greasy wool from the United States.

(10) Feeder

The term “feeder” means a person who feeds lambs until the lambs reach slaughter weight.

(11) Greasy wool

The term “greasy wool” means wool that has not been washed or otherwise cleaned.

(12) Handler

The term “handler” means any person who purchases and markets greasy wool.

(13) Importer

The term “importer” means any person who imports sheep or sheep products into the United States.

(14) Industry information

The term “industry information” means information and programs that will lead to increased efficiency in processing and the development of new markets, marketing strategies, increased marketing efficiency, and activities to enhance the image of sheep or sheep products on a national or international basis.

(15) Order

The term “order” means a sheep and wool promotion, research, education, and information order issued under section 7103 of this title.

(16) Person

The term “person” means any individual, group of individuals, partnership, corporation, association, cooperative, or any other legal entity.

(17) Processor

The term “processor” means any person who slaughters sheep or processes greasy wool into degreased wool.

(18) Producer

The term “producer” means any person, other than a feeder, who owns or acquires ownership of sheep.

(19) Producer information

The term “producer information” means activities designed to provide producers, feeders, and importers with information relating to production or marketing efficiencies or developments, program activities, or other information that would facilitate an increase in the consumption of sheep or sheep products.

(20) Promotion

The term “promotion” means any action (including paid advertising) to advance the image and desirability of sheep or sheep products to improve the competitive position, and stimulate sales, of sheep products in the domestic and international marketplace.

(21) Pulled wool

The term “pulled wool” means wool that is pulled from the skin of a slaughtered sheep.

(22) Qualified State sheep board

The term “qualified State sheep board” means a sheep and wool promotion entity that—

(A) is authorized by State statute or is otherwise organized and operating within a State;

(B) receives voluntary contributions or dues and conducts promotion, research, or consumer information programs with respect to sheep or wool, or both; and

(C) is recognized by the Board as the sheep and wool promotion entity within the State;

except that not more than 1 qualified State sheep board shall exist in any State at any 1 time.

(23) Raw wool

The term “raw wool” means greasy wool, pulled wool, degreased wool, or carbonized wool.

(24) Research

The term “research” means development projects and studies relating to the production (including the feeding of sheep), processing, distribution, or use of sheep or sheep products to encourage, expand, improve, or make more efficient the marketing of sheep or sheep products.

(25) Secretary

The term “Secretary” means the Secretary of Agriculture.

(26) Sheep

The term “sheep” means ovine animals of any age, including lambs.

(27) Sheep products

The term “sheep products” means products produced, in whole or in part, from sheep, including wool and products containing wool fiber.

(28) State

The term “State” means each of the 50 States.

(29) Unit

The term “unit” means each State, group of States, or class designation that is represented on the Board.

(30) United States

The term “United States” means the 50 States and the District of Columbia.

(31) Wool

The term “wool” means the fiber from the fleece of a sheep.

(32) Wool products

The term “wool products” means products produced, in whole or in part, from wool and products containing wool fiber.

(Pub. L. 103-407, § 3, Oct. 22, 1994, 108 Stat. 4211.)

TRANSFER OF FUNCTIONS

For transfer of functions, personnel, assets, and liabilities of the United States Customs Service of the Department of the Treasury, including functions of the Secretary of the Treasury relating thereto, to the Secretary of Homeland Security, and for treatment of related references, see sections 203(1), 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

§ 7103. Issuance and amendment of orders

(a) In general

Subject to subsection (b) of this section, the Secretary shall issue orders under this chapter applicable to producers, feeders, importers, handlers, and purchasers of sheep and sheep products. Any order shall be in effect under this chapter at any 1 time.

(b) Procedure

(1) Proposal or request for issuance

The Secretary may propose the issuance of an order under this chapter, or an association of producers may request the issuance of, and submit a proposal for, an order.

(2) Notice and comment concerning proposed order

Not later than 60 days after the receipt of a request and proposal for an order under paragraph (1), the Secretary shall publish a proposed order and give due notice and opportunity for public comment on the proposed order.

(3) Issuance of orders

After notice and opportunity for public comment are given as provided in paragraph (2), the Secretary shall issue an order, taking into consideration the comments received, that includes provisions necessary to ensure that the order is in conformity with this chapter. The order shall be issued not later than 180 days following publication of the proposed order.

(4) Referendum

The order shall go into effect only if the order is approved by producers, feeders, and importers in a referendum conducted under section 7105 of this title.

(c) Amendments

The Secretary, from time to time, may amend any order issued under this chapter.

(Pub. L. 103-407, § 4, Oct. 22, 1994, 108 Stat. 4213.)

§ 7104. Required terms in orders

(a) In general

An order issued under this chapter shall contain the terms and conditions specified in this section.

(b) Establishment and membership of Board

(1) In general

The order shall provide for the establishment of, and appointment of members to, a National Sheep Promotion, Research, and In-

formation Board to administer the order. Members of the Board shall be appointed by the Secretary from nominations provided in accordance with this subsection. The cumulative number of seats on the Board shall be 120 and shall be apportioned as follows:

(A) Producers

Producers shall be appointed to the Board to represent States, with each State represented by the following number of members:

Alabama	1
Alaska	1
Arizona	1
Arkansas	1
California	5
Colorado	4
Connecticut	1
Delaware	1
Florida	1
Georgia	1
Hawaii	1
Idaho	2
Illinois	1
Indiana	1
Iowa	2
Kansas	1
Kentucky	1
Louisiana	1
Maine	1
Maryland	1
Massachusetts	1
Michigan	1
Minnesota	2
Mississippi	1
Missouri	1
Montana	5
Nebraska	1
Nevada	1
New Hampshire	1
New Jersey	1
New Mexico	2
New York	1
North Carolina	1
North Dakota	2
Ohio	1
Oklahoma	1
Oregon	2
Pennsylvania	1
Rhode Island	1
South Carolina	1
South Dakota	4
Tennessee	1
Texas	10
Utah	3
Vermont	1
Virginia	1
Washington	1
West Virginia	1
Wisconsin	1
Wyoming	5

(B) Feeders

The feeder sheep industry shall be represented on the Board by 10 members.

(C) Importers

Importers shall be represented on the Board by 25 members.